

USSN 10/629,649  
Atty Docket No. 0212-CIP-9

### REMARKS

Claims 1-6, 12-16, 22-26, 32-36 42-46, 52-56, 62-66, 72-76, 78-82, 84-88, 90-94, 96-100, 102-106 and 108-112 are currently pending. Claims 1, 12, 22, 32, 42, 52 and 62 are amended herein. Support of the amendments is found throughout the specification. Thus, it is believed that no new matter has been added. No claim is allowed.

Applicants gratefully acknowledge the acceptance of the Request for Continued Examination and the entry of the amendment filed on November 7, 2005.

#### Objection to the Claims

Claims 74, 80, 86, 92, 98, 104, and 110 were objected to as being dependent upon a rejected base claim. Applicants traverse this rejection.

As pending rejection of the base claims is overcome herein, claims 74, 80, 86, 92, 98, 104, and 110 are no longer dependent on a rejected claim, therefore the objection is rendered moot.

In view of the above, Applicants respectfully submit the objection is overcome.

#### Rejection Under the Judicially Created Non-Statutory Double Patenting Doctrine

Claims 1-6, 12-16, 22-26, 32-36, 42-46, 52-56, 62-66, 72, 73, 75, 76, 78, 79, 81, 82, 84, 85, 87, 88, 90, 91, 93, 94, 96, 97, 99, 100, 102, 103, 105, 106, 108, 109, 111 and 112 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-18 of co-pending U.S. Application Serial No. 10/317,126 for reasons of record. Applicants traverse this rejection.

A terminal disclaimer over the claims in U.S. Application No. 10/317,126 is provided herein.

In view of the above, Applicants respectfully submit the rejection is overcome.

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### CONCLUSION

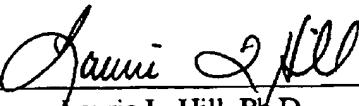
In view of the above, each of the pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections and rejections of the claims and to pass this application to allowance.

No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,  
**AMYLIN PHARMACEUTICALS, INC.**

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By:

  
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